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Environmental Impact Statement (EIS)

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THE WHITE HOUSE
WASHINGTON

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Ben Meskin
Gowin CEO

THE WHITE HOUSE

WASHINGTON

June 29, 1993

Mr. Ben Meskin
Coordinator
Gowanus Expressway Community
Coalition
488 3rd Avenue
Brooklyn, NY 11215

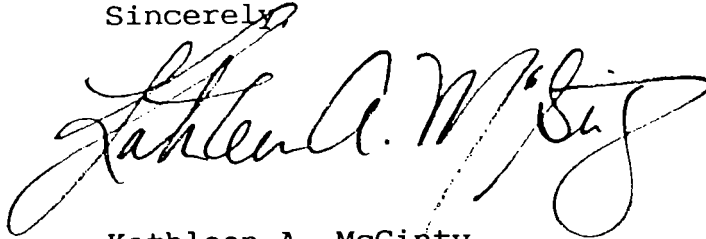
Dear Mr. Meskin:

Thank you for contacting me regarding your thoughts on performing an Environmental Impact Statement (EIS) on the Gowanus and other expressways in your community.

As you know, I share President Clinton's and Vice President Gore's commitment to the preservation of our global environment in a way that leads to strong and sustainable economic growth. I appreciate learning your concerns about the environmental impacts of the reconstruction of the Gowanus Expressway. However, the Office on Environmental Policy has not assumed the responsibility for evaluating an EIS from the Council on Environmental Quality. The jurisdiction for these impact statements still lies with the CEQ. However, please note that ~~CEQ~~ does not perform EIS's, but evaluates those already completed by the agency of jurisdiction.

Again, thank you for your interest in this matter, and please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, reading "Kathleen A. McGinty". The signature is fluid and cursive, with the first name "Kathleen" being more prominent and the last name "McGinty" following in a similar style.

Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/avl

GOWANUS EXPRESSWAY COMMUNITY COALITION

c/o Meskin, 488 3rd Avenue, Brooklyn, NY 11215
718-965-1360

May 12, 1993

MEMBERS

Fulton's Ferry Landing
Association

Brooklyn Heights Association

Cobble Hill Association

Boerum Hill Association

Carroll Gardens Association

First Place Tri-Block
Association

United Neighbors
Association

Park Slope Civic Council

Revitalization of the
Southern Area of the Slope
(ROSAS)

Park Slope Fifth Avenue
Merchants Association

North Flatbush Business
Improvement District

Fifth Avenue Committee
(FAC)

Care About The Slope
(CATS)

Sunset Park Restoration
Committee

Sunset Park Fifth Avenue
Merchants Association
(FAMA)

Bay Ridge Community
Council

Brooklyn Coop and Condo
Association

Transportation Alternatives -
Brooklyn Committee

Ben Meskin,
Coordinator

Katie McGinty
Director
Office on Environmental Policy
360 Old Executive Office Building
Washington, DC 20501

Dear Ms. McGinty,

Having been informed by the Council on Environmental Quality that your office has taken over their functions, I am writing to you on behalf of the Gowanus Expressway Community Coalition, representing the communities of west Brooklyn. We assert that the New York State Department of Transportation is required by Federal law to perform an Environmental Impact Statement (EIS) for the planned reconstructions of the following contiguous portions, and feeder highway, of Interstate 278 in Brooklyn NY:

- the Gowanus Expressway (which is the part of Interstate 278 running between the Verrazano-Narrows Bridge and the Brooklyn-Battery Tunnel);

- the Atlantic Avenue Overpass portion of the Brooklyn-Queens Expressway (which is the part of Interstate 278 running over Atlantic Avenue);

- the Cantilevered Structure portion of the Brooklyn-Queens Expressway (which is the part of Interstate 278 running from immediately north of the Atlantic Avenue Overpass to the Cadman Plaza exit of the Brooklyn-Queens Expressway); and

- the Prospect Expressway, which is a two mile east and west bound extension of the Gowanus Expressway.

The Gowanus Expressway reconstruction is the largest single of these actions, and the Federal Highway Administration will be providing significant funding for it. We refer to 23 CFR 771.109(a)(1): "The provisions of this regulation and the CEQ regulation apply to actions where the Administration exercises significant control to condition...project approval." Thus, 23 CFR 771.115(a) is applicable: "*Class I (EISs)*. Actions that significantly affect the environment require an EIS (40 CFR 1508.27)." All of these projects will, singly and jointly, significantly impact on the local and regional environment, as defined in 40 CFR 1508.27. In particular, we call attention to the following sections of 40 CFR 1508.27:

(b)2: "The degree to which the proposed action affects the public health or safety";

(b)4: The degree to which the effects on the quality of the human environment are likely to be highly controversial";

(b)5: The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks";

(b)7: "Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts";

(b)8: The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources"; and

(b)10: Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment".

The inclusion of 40 CFR 1508.27(b)(10) refers to the addition of a lane to the Prospect Expressway, which will create additional traffic capacity, and thus runs counter to the Clean Air Act.

We also hold that all of these highway reconstructions must be considered in the same EIS, as we view them as actions which are connected, cumulative and similar, as defined in 40 CFR 1508.25(a)(1), (a)(2), and (a)(3), respectively. An EIS will enable the affected communities, through the scoping process, to make a detailed presentation of the impacts facing us, which must be considered by an EIS.

In closing, we wish to point out that an EIS is being performed for the reconstruction of the Kosciuszko Bridge, which is part of IS 278, linking Brooklyn and Queens.

Thank you for your time and attention to this matter. The Gowanus Expressway Community Coalition can be reached at the address and telephone number above. We look forward to your response to this communication.

Sincerely yours,



Ben Meskin
Coordinator
Gowanus Expressway Community Coalition

cc. M. Michael Francese, New York City Regional Director, NYS Dep't. of Transportation
Commissioner, NYS Dep't. of Transportation
Elected Officials
Coalition Members and Observer Groups



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
HUNTERS POINT PLAZA
47-40 21ST STREET
LONG ISLAND CITY, N.Y. 11101

M. MICHAEL FRANCESE, P.E.
REGIONAL DIRECTOR

JOHN C. EGAN
COMMISSIONER

June 29, 1993

Mr. Ben Meskin
Coordinator
Gowanus Expressway Community Coalition
488 3rd Avenue
Brooklyn, N. Y. 11215

Dear Mr. Meskin:

I am replying to your letter of May 12 requesting comment on your letter to the Office on Environmental Policy which requests that a single Environmental Impact Statement be done by this office on four projects on the Brooklyn-Queens and Gowanus Expressways.

Since the mid 1980's this Department has been committed to rebuilding the highway and bridge infrastructure of New York State, in order to maintain the State's critical transportation network. Virtually every highway in New York City has experienced major rehabilitative work during the past decade, and we expect that level of attention to continue through the 1990's. This work is absolutely essential to preserving our transportation system.

Obviously, the entire highway system cannot be reconstructed at the same time. Individual projects are developed and scheduled under a variety of criteria, including level of structural deterioration, need to maintain traffic flow and community access, availability of funding, constructability, etc.

The Federal and State regulations under which we operate -- the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQRA) -- provide guidelines to determine both the level of environmental review required for each project and how to determine whether a project can stand alone in terms of environmental considerations. In defining a particular project, the Department must determine whether the project has logical termini, independent utility and does not restrict consideration of foreseeable alternatives on adjoining sections of highway. We believe that each of the projects cited in your correspondence meets that standard.

The projects you listed have been and are being developed over a period of two decades and are at vastly different stages of development. Let me summarize the status of each for you:

--BQE over Atlantic Avenue: design of this project was begun in the early 1980's. After initial consultations with affected community boards, it was substantially modified to minimize construction impacts on local residents. The project received a "Categorical Exclusion" designation, following an investigation of environmental and community impacts, which was concurred in by the Federal Highway Administration. Therefore, no EIS was required. A contract was awarded in May and the project is now under construction.

-- Prospect Expressway: this project has also been reviewed and designated as a "Categorical Exclusion," with Federal concurrence. It is currently being designed and is scheduled to begin construction in the spring of 1995. A Design Report, which discusses the need for this project, the planned improvements, and the short and long term impacts, is being prepared and will be available shortly.

I should call to your attention an error in your letter to Katie McGinty. There will be no additional lanes constructed on the existing three-lane Prospect Expressway. However, currently at the northern end of the Prospect, the left lane connects to the northbound Gowanus Expressway, the right lane connects to Hamilton Avenue, and the middle lane ends abruptly, resulting in a less than desirable safety condition. We proposed to reconstruct the Prospect to Gowanus connection to make that a safer merge, with a shoulder. This widened structure could be used as a two lane connection during the Gowanus construction, when Prospect volumes will be particularly heavy. Whether this configuration should become permanent is yet to be decided, and will depend on further analysis that will be done as part of the Gowanus Expressway environmental review process.

-- Gowanus Expressway: an Environmental Assessment is being prepared for the rehabilitation of the Gowanus Expressway between 6th Avenue and the Brooklyn-Battery Tunnel/Brooklyn-Queens Expressway split. The EA covers 5 or 6 construction contracts, in addition to several related contracts necessary to implement various Transportation System Management measures being developed for the overall Gowanus effort.

The purposed of an Environmental Assessment is to evaluate the probable impacts of a proposed project on a variety of environmental factors, including traffic, air quality, noise, and socio-economic factors. Upon completion of the Environmental Assessment, the Department and FHWA will jointly decide whether an EIS is required, in accordance with applicable State and Federal laws.

Given the size and complexity of the Gowanus project, it will be many months before our environmental analysis will be completed. Our current schedule calls for construction to begin in late 1996.

-- BQE Cantilever: New York State DOT has recently agreed to take the lead in developing a project to improve this City-owned section of the BQE, in cooperation and joint funding with New York City DOT. Before any assessment of this project can be made, it will be necessary to prepare a project scope and engage a consultant to perform an in-depth inspection of the structure. This will help define what our options will be. The extent of environmental review requirements must await this investigation of physical conditions. The process of doing the physical inspection and tests, the planning and environmental reviews and the detailed engineering design makes it likely that actual construction is 8 to 10 years away.

Finally, it is necessary to correct another misstatement in your letter to Ms. McGinty, with regard to the Kosciuszko Bridge. The study that is underway is a planning study of traffic operations, not an EIS. The study will look at capacity constraints and opportunities; safety issues such as accident history, geometry and location of ramps and acceleration/deceleration lanes, sight distances; and potential detour routes during construction. The results of that study will help us shape the scope the rehabilitation project and determine the necessary levels of environmental review.

Thank you for writing. Now that your organization has become a formal member of the Working Group on the Gowanus Expressway project, I am sure you will gain a better understanding of the need for this critical project and how we can work together to ensure its successful development.

Sincerely,



M. Michael Francese, P.E.
Regional Director

cc: Ms. Katie McGinty, Director, Office on Environmental Policy ✓